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"Protecting passengers, pedestrians," Asbury Park Press, 1-11-2010.

LAW/RWH

[Second Reprint]

**ASSEMBLY, No. 1329**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

**Sponsored by:**

**Assemblywoman LINDA STENDER**  
**District 22 (Middlesex, Somerset and Union)**  
**Assemblyman JOHN S. WISNIEWSKI**  
**District 19 (Middlesex)**  
**Assemblyman JON M. BRAMNICK**  
**District 21 (Essex, Morris, Somerset and Union)**  
**Assemblyman RUBEN J. RAMOS, JR.**  
**District 33 (Hudson)**  
**Assemblyman THOMAS P. GIBLIN**  
**District 34 (Essex and Passaic)**

**Co-Sponsored by:**

**Assemblyman Rumpf, Assemblywoman Evans, Assemblymen Chivukula, Connors, Assemblywoman Wagner, Senators T.Kean, Beach, Gordon and Scutari**

**SYNOPSIS**

Revises laws concerning pedestrian safety and traffic control; requires drivers to stop and remain stopped for pedestrians under certain conditions.

**CURRENT VERSION OF TEXT**

As reported by the Senate Transportation Committee on January 7, 2010, with amendments.



**(Sponsorship Updated As Of: 1/12/2010)**

1 AN ACT concerning pedestrian safety and traffic control and  
2 amending R.S.39:4-32, R.S.39:4-36, R.S.39:4-115, and R.S.39:4-  
3 144, and repealing R.S.39:4-35.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. R.S.39:4-32 is amended to read as follows:

9 39:4-32. On highways where traffic **[at intersections]** is  
10 controlled by a traffic control signal or by traffic or police officers  
11 **'[, pedestrians]**:

12 a. Pedestrians<sup>1</sup> shall not cross a roadway against the "stop" or  
13 red signal at a crosswalk, whether marked or unmarked, unless  
14 otherwise specifically directed to go by a traffic or police officer, or  
15 official traffic control device.

16 <sup>1</sup>b. No driver of a vehicle shall fail to stop and remain stopped  
17 for a pedestrian crossing a roadway at a crosswalk when the  
18 pedestrian is upon, or within one lane of, the half of the roadway  
19 upon which the vehicle is traveling or onto which it is turning  
20 during the "go" or green signal. <sup>1</sup>As used in this subsection, "half  
21 of the roadway" means all traffic lanes conveying traffic in one  
22 direction of travel, and includes the entire width of a one-way  
23 roadway.

24 c.<sup>1</sup> A pedestrian crossing or starting across the intersection on a  
25 **["Go"] "go" or green signal, but who is still within the crosswalk**  
26 **when the signal changes,** shall have the right of way **[over all**  
27 **vehicles, including those making turns,]** until **[he] the pedestrian**  
28 has reached the opposite curb or place of safety **[, and no operator**  
29 of a vehicle shall fail to yield the right of way to him]. **'[As used**  
30 **in this section, "half of the roadway" means all traffic lanes**  
31 **conveying traffic in one direction of travel, and includes the entire**  
32 **width of a one-way roadway.]<sup>1</sup>**

33 <sup>1</sup>d. No pedestrian shall <sup>1</sup>[suddenly]<sup>1</sup> leave a curb or other place  
34 of safety and walk or run into the path of a vehicle which is so close  
35 that it is impossible for the driver to yield or stop.

36 <sup>1</sup>[Nothing herein shall relieve a pedestrian from using due care  
37 for his safety.]<sup>1</sup>

38 <sup>1</sup>e. Whenever any vehicle is stopped to permit a pedestrian to  
39 cross the roadway, the driver of any other vehicle approaching from  
40 the rear shall not overtake and pass such stopped vehicle.

41 <sup>1</sup>f. Every pedestrian upon a roadway at any point other than  
42 within a marked crosswalk or within an unmarked crosswalk at an

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ATR committee amendments adopted March 6, 2008.

<sup>2</sup>Senate STR committee amendments adopted January 7, 2010.

1 intersection shall yield the right-of-way to all vehicles upon the  
2 roadway.

3 <sup>1</sup>g. Nothing contained herein shall relieve a driver from the duty  
4 to exercise due care for the safety of any pedestrian upon a  
5 roadway. <sup>1</sup>Nothing herein shall relieve a pedestrian from using due  
6 care for his safety.

7 <sup>h.</sup> In the event of a collision between a vehicle and a pedestrian  
8 within a marked crosswalk, or at an unmarked crosswalk at an  
9 intersection, there shall be a permissive inference that the driver did  
10 not exercise due care for the safety of the pedestrian.

11 (cf: P.L.1951, c.23, s.22)

12

13 2. R.S.39:4-36 is amended to read as follows:

14 39:4-36. a. **【The driver of a vehicle shall yield the right-of-way**  
15 **to a pedestrian crossing the roadway within a marked crosswalk or**  
16 **within any unmarked crosswalk at an intersection, except】**  
17 **<sup>2</sup>【Except】 The driver of a vehicle shall yield the right-of-way to a**  
18 **pedestrian crossing the roadway within any unmarked crosswalk at**  
19 **an intersection, except<sup>2</sup> at crosswalks when the movement of traffic**  
20 **is being regulated by police officers or traffic control signals, or**  
21 **where otherwise **【prohibited】 regulated** by municipal, county, or**  
22 **State regulation, and except where a pedestrian tunnel or overhead**  
23 **pedestrian crossing has been provided <sup>1</sup>【,】 **【but no】 <sup>1</sup>【the】 :****

24 **(1) The<sup>1</sup> driver of a vehicle shall stop and remain stopped to**  
25 **allow a pedestrian to cross the roadway within a marked crosswalk**  
26 **<sup>2</sup>【, or at an unmarked crosswalk at an intersection】<sup>2</sup> , when the**  
27 **pedestrian is upon, or within one lane of, the half of the roadway,**  
28 **upon which the vehicle is traveling or onto which it is turning. As**  
29 **used in this <sup>1</sup>【section】 paragraph<sup>1</sup> , "half of the roadway" means all**  
30 **traffic lanes conveying traffic in one direction of travel, and**  
31 **includes the entire width of a one-way roadway.**

32 **<sup>1</sup>(2)<sup>1</sup> No pedestrian shall <sup>1</sup>【suddenly】<sup>1</sup> leave a curb or other**  
33 **place of safety and walk or run into the path of a vehicle which is so**  
34 **close that it is impossible for the driver to yield or stop.**

35 **<sup>1</sup>【Nothing contained herein shall relieve a pedestrian from using**  
36 **due care for his safety.】**

37 **(3)<sup>1</sup> Whenever any vehicle is stopped to permit a pedestrian to**  
38 **cross the roadway, the driver of any other vehicle approaching from**  
39 **the rear shall not overtake and pass such stopped vehicle.**

40 **<sup>1</sup>(4)<sup>1</sup> Every pedestrian upon a roadway at any point other than**  
41 **within a marked crosswalk or within an unmarked crosswalk at an**  
42 **intersection shall yield the right-of-way to all vehicles upon the**  
43 **roadway.**

44 **<sup>1</sup>(5)<sup>1</sup> Nothing contained herein shall relieve a driver from the**  
45 **duty to exercise due care for the safety of any pedestrian upon a**

1 roadway. 'Nothing contained herein shall relieve a pedestrian from  
2 using due care for his safety.'

3 b. A person violating 'any paragraph of subsection a. of' this  
4 section shall, upon conviction thereof, pay a fine to be imposed by  
5 the court in the amount of ~~[\$100]~~ \$200. The court may also  
6 impose 'upon' a ~~'[term of imprisonment]~~ person violating any  
7 paragraph of subsection a. of this section, a penalty of community  
8 service' not to exceed 15 days 'in such form and on such terms as  
9 the court shall deem appropriate' .

10 c. Of each fine imposed and collected pursuant to subsection b.  
11 of this section, ~~[\$50]~~ \$100 shall be forwarded to the State  
12 Treasurer who shall annually deposit the moneys into the  
13 "Pedestrian Safety Enforcement and Education Fund" created by  
14 section 1 of P.L.2005, c.86 (C.39:4-36.2).

15 d. In the event of a collision between a vehicle and a pedestrian  
16 within a marked crosswalk, or at an unmarked crosswalk at an  
17 intersection, there shall be a permissive inference that the driver did  
18 not exercise due care for the safety of the pedestrian.

19 (cf: P.L.2005, c.86, s.2)

20

21 3. R.S.39:4-115 is amended to read as follows:

22 39:4-115. The driver of a vehicle or the motorman of a streetcar:  
23 a. intending to turn to the right or left at an intersection where  
24 traffic is controlled by traffic control signals or by a traffic or police  
25 officer, shall proceed to make either turn with proper care to avoid  
26 accidents and, except as provided in b. below, only upon the  
27 ~~["Go"]~~ "go" signal unless otherwise directed by a traffic or police  
28 officer, an official sign or special signal; or b. intending to turn  
29 right at an intersection where traffic is controlled by a traffic  
30 control signal shall, unless an official sign of the State,  
31 municipality, or county authority having jurisdiction over the  
32 intersection prohibits the same, proceed to make the turn upon a  
33 ~~["Stop"]~~ "stop" or ~~["Caution"]~~ "caution" signal with proper care to  
34 avoid accidents after coming to a full stop, observing traffic in all  
35 directions ~~[and]~~, yielding to ~~[all pedestrians and]~~ other vehicular  
36 traffic traveling in a direction in which the turn will be made, and  
37 stopping and remaining stopped for pedestrians crossing the  
38 roadway within a marked crosswalk, or at an unmarked crosswalk,  
39 into which the driver is turning. Both the approach for and the turn  
40 shall be made as close as practicable to the right-hand curb or edge  
41 of the roadway, unless such intersection is otherwise posted.

42 (cf: P.L.1976, c.46, s.1)

43

44 4. R.S.39:4-144 is amended to read as follows:

45 39:4-144. No driver of a vehicle or street car shall enter upon or  
46 cross an intersecting street marked with a "stop" sign unless ~~[he]~~

1 ~~'[the]~~ :

2 a. ~~The~~ driver has first brought ~~[his]~~ the vehicle or street car to  
3 a complete stop at a point within ~~[5]~~ five feet of the nearest  
4 crosswalk or stop line marked upon the pavement at the near side of  
5 the intersecting street and shall proceed only after yielding the right  
6 of way to all vehicular traffic on the intersecting street which is so  
7 close as to constitute an immediate hazard.

8 ~~'b.'~~ No driver of a vehicle or street car shall enter upon or cross  
9 an intersecting street marked with a "yield right of way" sign  
10 without first slowing to a reasonable speed for existing conditions  
11 and visibility, stopping if necessary, and the driver shall yield the  
12 right of way to all vehicular traffic on the intersecting street which  
13 is so close as to constitute an immediate hazard; unless, in either  
14 case, ~~[he]~~ the driver is otherwise directed to proceed by a traffic or  
15 police officer or traffic control signal , or as provided in ~~'[section]~~  
16 R.S. ~~'~~ 39:4-145 ~~'[of this Title]~~ ~~'~~.

17 ~~'c.'~~ No driver of a vehicle or street car shall turn right at an  
18 intersecting street marked with a "stop" sign or "yield right of way"  
19 sign unless the driver stops and remains stopped for pedestrians  
20 crossing the roadway within a marked crosswalk, or at an unmarked  
21 crosswalk, into which the driver is turning.

22 (cf: P.L.1958, c.114, s.4)

23

24 5. R.S.39:4-35 is repealed.

25

26 6. This act shall take effect on the first day of the third month  
27 after enactment, but such anticipatory administrative action may be  
28 taken in advance thereof as shall be necessary for the  
29 implementation of this act.

**ASSEMBLY, No. 1329**

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**STATE OF NEW JERSEY**

**213th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

**Sponsored by:**

**Assemblywoman LINDA STENDER**  
**District 22 (Middlesex, Somerset and Union)**  
**Assemblyman JOHN S. WISNIEWSKI**  
**District 19 (Middlesex)**  
**Assemblyman JON M. BRAMNICK**  
**District 21 (Essex, Morris, Somerset and Union)**  
**Assemblyman RUBEN J. RAMOS, JR.**  
**District 33 (Hudson)**

**Co-Sponsored by:**

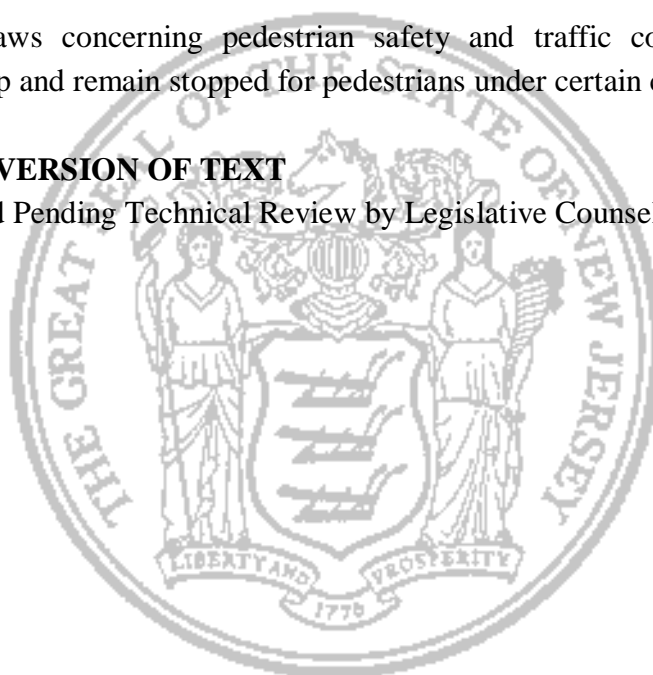
**Assemblyman Rumpf**

**SYNOPSIS**

Revises laws concerning pedestrian safety and traffic control; requires drivers to stop and remain stopped for pedestrians under certain conditions.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 3/7/2008)**



A1329 STENDER, WISNIEWSKI

2

1 AN ACT concerning pedestrian safety and traffic control and  
2 amending R.S.39:4-32, R.S.39:4-36, R.S.39:4-115, and R.S.39:4-  
3 144 and repealing R.S.39:4-35.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. R.S.39:4-32 is amended to read as follows:

9 39:4-32. On highways where traffic **[at intersections]** is  
10 controlled by a traffic control signal or by traffic or police officers,  
11 pedestrians shall not cross a roadway against the "stop" or red  
12 signal at a crosswalk, whether marked or unmarked, unless  
13 otherwise specifically directed to go by a traffic or police officer, or  
14 official traffic control device. No driver of a vehicle shall fail to  
15 stop and remain stopped for a pedestrian crossing a roadway at a  
16 crosswalk when the pedestrian is upon, or within one lane of, the  
17 half of the roadway upon which the vehicle is traveling or onto  
18 which it is turning during the "go" or green signal. A pedestrian  
19 crossing or starting across the intersection on a **["Go"]** "go" or  
20 green signal, but who is still within the crosswalk when the signal  
21 changes, shall have the right of way **[over all vehicles, including**  
22 **those making turns,]** until **[he]** the pedestrian has reached the  
23 opposite curb or place of safety **[, and no operator of a vehicle**  
24 **shall fail to yield the right of way to him].** As used in this section,  
25 "half of the roadway" means all traffic lanes conveying traffic in  
26 one direction of travel, and includes the entire width of a one-way  
27 roadway.

28 No pedestrian shall suddenly leave a curb or other place of safety  
29 and walk or run into the path of a vehicle which is so close that it is  
30 impossible for the driver to yield or stop. Nothing herein shall  
31 relieve a pedestrian from using due care for his safety.

32 Whenever any vehicle is stopped to permit a pedestrian to cross  
33 the roadway, the driver of any other vehicle approaching from the  
34 rear shall not overtake and pass such stopped vehicle.

35 Every pedestrian upon a roadway at any point other than within a  
36 marked crosswalk or within an unmarked crosswalk at an  
37 intersection shall yield the right-of-way to all vehicles upon the  
38 roadway.

39 Nothing contained herein shall relieve a driver from the duty to  
40 exercise due care for the safety of any pedestrian upon a roadway.

41 In the event of a collision between a vehicle and a pedestrian  
42 within a marked crosswalk, or at an unmarked crosswalk at an  
43 intersection, there shall be a permissive inference that the driver did

**EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 not exercise due care for the safety of the pedestrian.

2 (cf: P.L.1951, c.23, s.22)

3

4 2. R.S.39:4-36 is amended to read as follows:

5 39:4-36. a. ~~【The driver of a vehicle shall yield the right-of-way~~  
6 ~~to a pedestrian crossing the roadway within a marked crosswalk or~~  
7 ~~within any unmarked crosswalk at an intersection, except】 Except~~  
8 ~~at crosswalks when the movement of traffic is being regulated by~~  
9 ~~police officers or traffic control signals, or where otherwise~~  
10 ~~【prohibited】 regulated by municipal, county, or State regulation,~~  
11 ~~and except where a pedestrian tunnel or overhead pedestrian~~  
12 ~~crossing has been provided, 【but no】 the driver of a vehicle shall~~  
13 ~~stop and remain stopped to allow a pedestrian to cross the roadway~~  
14 ~~within a marked crosswalk, or at an unmarked crosswalk at an~~  
15 ~~intersection, when the pedestrian is upon, or within one lane of, the~~  
16 ~~half of the roadway, upon which the vehicle is traveling or onto~~  
17 ~~which it is turning. As used in this section, "half of the roadway"~~  
18 ~~means all traffic lanes conveying traffic in one direction of travel,~~  
19 ~~and includes the entire width of a one-way roadway. No pedestrian~~  
20 ~~shall suddenly leave a curb or other place of safety and walk or run~~  
21 ~~into the path of a vehicle which is so close that it is impossible for~~  
22 ~~the driver to yield or stop. Nothing contained herein shall relieve a~~  
23 ~~pedestrian from using due care for his safety.~~

24 Whenever any vehicle is stopped to permit a pedestrian to cross  
25 the roadway, the driver of any other vehicle approaching from the  
26 rear shall not overtake and pass such stopped vehicle.

27 Every pedestrian upon a roadway at any point other than within a  
28 marked crosswalk or within an unmarked crosswalk at an  
29 intersection shall yield the right-of-way to all vehicles upon the  
30 roadway.

31 Nothing contained herein shall relieve a driver from the duty to  
32 exercise due care for the safety of any pedestrian upon a roadway.

33 b. A person violating this section shall, upon conviction  
34 thereof, pay a fine to be imposed by the court in the amount of  
35 ~~【\$100】 \$200. The court may also impose a term of imprisonment~~  
36 ~~not to exceed 15 days.~~

37 c. Of each fine imposed and collected pursuant to subsection b.  
38 of this section, ~~【\$50】 \$100 shall be forwarded to the State~~  
39 ~~Treasurer who shall annually deposit the moneys into the~~  
40 ~~"Pedestrian Safety Enforcement and Education Fund" created by~~  
41 ~~section 1 of P.L.2005, c.86 (C.39:4-36.2).~~

42 d. In the event of a collision between a vehicle and a pedestrian  
43 within a marked crosswalk, or at an unmarked crosswalk at an  
44 intersection, there shall be a permissive inference that the driver did  
45 not exercise due care for the safety of the pedestrian.

46 (cf: P.L.2005, c.86, s.2)

A1329 STENDER, WISNIEWSKI

4

1 3. R.S.39:4-115 is amended to read as follows:

2 39:4-115. The driver of a vehicle or the motorman of a streetcar;  
3 a. intending to turn to the right or left at an intersection where  
4 traffic is controlled by traffic control signals or by a traffic or police  
5 officer, shall proceed to make either turn with proper care to avoid  
6 accidents and, except as provided in b. below, only upon the  
7 **["Go"]** “go” signal unless otherwise directed by a traffic or police  
8 officer, an official sign or special signal; or b. intending to turn  
9 right at an intersection where traffic is controlled by a traffic  
10 control signal shall, unless an official sign of the State,  
11 municipality, or county authority having jurisdiction over the  
12 intersection prohibits the same, proceed to make the turn upon a  
13 **["Stop"]** “stop” or **["Caution"]** “caution” signal with proper care to  
14 avoid accidents after coming to a full stop, observing traffic in all  
15 directions **[and]**, yielding to **[all pedestrians and]** other vehicular  
16 traffic traveling in a direction in which the turn will be made, and  
17 stopping and remaining stopped for pedestrians crossing the  
18 roadway within a marked crosswalk, or at an unmarked crosswalk,  
19 into which the driver is turning. Both the approach for and the turn  
20 shall be made as close as practicable to the right-hand curb or edge  
21 of the roadway, unless such intersection is otherwise posted.

22 (cf: P.L.1976, c.46, s.1)

23

24 4. R.S.39:4-144 is amended to read as follows:

25 39:4-144. No driver of a vehicle or street car shall enter upon or  
26 cross an intersecting street marked with a "stop" sign unless **[he]**  
27 the driver has first brought **[his]** the vehicle or street car to a  
28 complete stop at a point within **[5]** five feet of the nearest  
29 crosswalk or stop line marked upon the pavement at the near side of  
30 the intersecting street and shall proceed only after yielding the right  
31 of way to all vehicular traffic on the intersecting street which is so  
32 close as to constitute an immediate hazard. No driver of a vehicle  
33 or street car shall enter upon or cross an intersecting street marked  
34 with a "yield right of way" sign without first slowing to a  
35 reasonable speed for existing conditions and visibility, stopping if  
36 necessary, and the driver shall yield the right of way to all vehicular  
37 traffic on the intersecting street which is so close as to constitute an  
38 immediate hazard; unless, in either case, **[he]** the driver is  
39 otherwise directed to proceed by a traffic or police officer or traffic  
40 control signal, or as provided in section 39:4-145 of this Title.

41 No driver of a vehicle or street car shall turn right at an  
42 intersecting street marked with a "stop" sign or "yield right of way"  
43 sign unless the driver stops and remains stopped for pedestrians  
44 crossing the roadway within a marked crosswalk, or at an unmarked  
45 crosswalk, into which the driver is turning.

46 (cf: P.L.1958, c.114, s.4)

1       5. R.S.39:4-35 is repealed.

2

3       6. This act shall take effect on the first day of the third month  
4 after enactment, but such anticipatory administrative action may be  
5 taken in advance thereof as shall be necessary for the  
6 implementation of this act.

7

8

9

STATEMENT

10

11       This bill revises the current law concerning pedestrian safety and  
12 traffic control.

13       Specifically, this bill requires drivers to stop and remain stopped  
14 to allow pedestrians to cross a roadway within a marked crosswalk  
15 or unmarked crosswalk when the pedestrian is upon, or within one  
16 lane of, the half of the roadway upon which the vehicle is traveling  
17 or onto which it is turning. This requirement is to apply at  
18 intersections where traffic is not controlled by a traffic control  
19 device or police officer, as well as at intersections where traffic is  
20 controlled by such devices or persons. As used in the bill, "half of  
21 the roadway" means all traffic lanes carrying traffic in one direction  
22 of travel, and includes the entire width of a one-way roadway.

23       Under current law, motorists must yield to pedestrians in  
24 crosswalks, but do not have the clear duty of stopping and  
25 remaining stopped. In addition, current law is ambiguous as to  
26 whether the area within which a pedestrian is protected by a  
27 motorist's duty to yield includes all or only a portion of the  
28 crosswalk. The bill provides a clear duty to stop and remain  
29 stopped on one-half of the roadway, a standard used in some other  
30 states, and one which may result in better enforcement of the  
31 crosswalk traffic laws in this State.

32       The bill increases the fine to be imposed on a person convicted  
33 of violating the provisions of R.S.39:4-36, which concerns  
34 intersections where traffic is not controlled by a traffic control  
35 device or police officer, from \$100 to \$200 and increases the  
36 amount of money to be deposited into the "Pedestrian Safety  
37 Enforcement and Education Fund" pursuant to section 1 of  
38 P.L.2005, c. 86 (C.39:4-36.2) from \$50 to \$100.

39       The bill provides a pedestrian with the clear right to complete a  
40 crossing begun at an intersection on a "go" or green signal, but not  
41 yet completed when the signal changes. To avoid redundancy in the  
42 law, the bill repeals R.S.39:4-35, which provides for a pedestrian's  
43 right to complete a crossing.

44       This bill also requires drivers making a right turn at a red or  
45 yellow traffic signal or at a stop or yield sign to stop and remain  
46 stopped pursuant to R.S.39:4-36 for pedestrians crossing within the  
47 adjacent crosswalk into which the motorist is turning.

**A1329 STENDER, WISNIEWSKI**

6

1       Lastly, this bill provides that when a collision occurs between a  
2 vehicle and a pedestrian within a marked crosswalk, or at an  
3 unmarked crosswalk at an intersection, there is a permissive  
4 inference that the driver did not exercise due care for the safety of  
5 the pedestrian.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND  
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1329**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 6, 2008

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably and with amendments Assembly Bill No. 1329.

As reported, this amended bill revises the current law concerning pedestrian safety and traffic control.

Specifically, this bill requires drivers to stop and remain stopped to allow pedestrians to cross a roadway within a marked crosswalk or unmarked crosswalk when the pedestrian is upon, or within one lane of, the half of the roadway upon which the vehicle is traveling or onto which it is turning. This requirement is to apply at intersections where traffic is not controlled by a traffic control device or police officer, as well as at intersections where traffic is controlled by such devices or persons. As used in the bill, "half of the roadway" means all traffic lanes carrying traffic in one direction of travel, and includes the entire width of a one-way roadway.

Under current law, motorists must yield to pedestrians in crosswalks, but do not have the clear duty of stopping and remaining stopped. In addition, current law is ambiguous as to whether the area within which a pedestrian is protected by a motorist's duty to yield includes all or only a portion of the crosswalk. The bill provides a clear duty to stop and remain stopped on, or within a lane of, the half of the roadway on which the vehicle is traveling, a standard used in some other states, and one which may result in better enforcement of the crosswalk traffic laws in this State.

The bill increases the fine to be imposed on a person convicted of violating the provisions of R.S.39:4-36, which concerns intersections where traffic is not controlled by a traffic control device or police officer, from \$100 to \$200 and increases the portion of each such fine collected that is to be deposited into the "Pedestrian Safety Enforcement and Education Fund" pursuant to section 1 of P.L.2005, c.86 (C.39:4-36.2) from \$50 to \$100. The amended bill removes the possibility of imprisonment for a violation of R.S.39:4-36 and

provides that a court may impose community service in addition to imposing the prescribed fine.

The bill provides a pedestrian with the clear right to complete a crossing begun at an intersection on a “go” or green signal, but not yet completed when the signal changes. To avoid redundancy in the law, the bill repeals R.S.39:4-35, which provides for a pedestrian’s right to complete a crossing.

This bill also requires drivers making a right turn at a red or yellow traffic signal or at a stop or yield sign to stop and remain stopped pursuant to R.S.39:4-36 for pedestrians crossing within the adjacent crosswalk into which the motorist is turning.

Lastly, this bill provides that when a collision occurs between a vehicle and a pedestrian within a marked crosswalk, or at an unmarked crosswalk at an intersection, there is a permissive inference that the driver did not exercise due care for the safety of the pedestrian.

This bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

#### COMMITTEE AMENDMENTS

The committee amended the bill to remove the possibility of imprisonment for a violation of R.S.39:4-36 and provided that a court may impose community service for a period not to exceed 15 days in addition to imposing the prescribed fine. The committee also amended the bill to remove the modifier “suddenly” from the provision that a pedestrian is not to leave a curb or other similar place and walk or run into the path of a vehicle. Finally, the committee amended the bill’s format in such a manner as to make it easier for law enforcement to clearly identify what provision an individual is charged with violating.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

[First Reprint]

## ASSEMBLY, No. 1329

with committee amendments

# STATE OF NEW JERSEY

DATED: JANUARY 7, 2010

The Senate Transportation Committee reports favorably and with committee amendments Assembly Bill No. 1329(1R).

This amended bill revises the current law concerning pedestrian safety and traffic control.

Specifically, this bill requires drivers to stop and remain stopped to allow pedestrians to cross a roadway within a marked crosswalk when the pedestrian is upon, or within one lane of, the half of the roadway upon which the vehicle is traveling or onto which it is turning. This requirement is to apply at intersections where traffic is not controlled by a traffic control device or police officer, as well as at intersections where traffic is controlled by such devices or persons. As used in the bill, "half of the roadway" means all traffic lanes carrying traffic in one direction of travel, and includes the entire width of a one-way roadway.

Under current law, motorists must yield to pedestrians in crosswalks, but do not have the clear duty of stopping and remaining stopped. In addition, current law is ambiguous as to whether the area within which a pedestrian is protected by a motorist's duty to yield includes all or only a portion of the crosswalk. The bill provides, with regard to marked crosswalks, a clear duty to stop and remain stopped on, or within a lane of, the half of the roadway on which the vehicle is traveling, a standard used in some other states, and one which may result in better enforcement of the crosswalk traffic laws in this State. The current duty of motorists to yield to pedestrians in crosswalks is retained in regard to unmarked crosswalks at intersections.

The bill increases the fine to be imposed on a person convicted of violating the provisions of R.S.39:4-36, which concerns intersections where traffic is not controlled by a traffic control device or police officer, from \$100 to \$200 and increases the portion of each such fine collected that is to be deposited into the "Pedestrian Safety Enforcement and Education Fund" pursuant to section 1 of P.L.2005, c.86 (C.39:4-36.2) from \$50 to \$100. The amended bill removes the possibility of imprisonment for a violation of R.S.39:4-36 and



provides that a court may impose community service in addition to imposing the prescribed fine.

The bill provides a pedestrian with the clear right to complete a crossing begun at an intersection on a “go” or green signal, but not yet completed when the signal changes. To avoid redundancy in the law, the bill repeals R.S.39:4-35, which provides for a pedestrian’s right to complete a crossing.

This bill also requires drivers making a right turn at a red or yellow traffic signal or at a stop or yield sign to stop and remain stopped pursuant to R.S.39:4-36 for pedestrians crossing within the adjacent crosswalk into which the motorist is turning.

Lastly, this bill provides that when a collision occurs between a vehicle and a pedestrian within a marked crosswalk, or at an unmarked crosswalk at an intersection, there is a permissive inference that the driver did not exercise due care for the safety of the pedestrian.

The committee amended the bill to limit applicability of the requirement to stop and remain stopped in regard to marked crosswalks and retained the requirement of yielding in regard to unmarked crosswalks at intersections.

This bill is identical to S2480, as amended and released by the committee on this date.

# SENATE, No. 2480

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JANUARY 13, 2009

**Sponsored by:**

**Senator THOMAS H. KEAN, JR.**

**District 21 (Essex, Morris, Somerset and Union)**

**Senator JAMES BEACH**

**District 6 (Camden)**

**Co-Sponsored by:**

**Senators Gordon and Scutari**

**SYNOPSIS**

Revises laws concerning pedestrian safety and traffic control; requires drivers to stop and remain stopped for pedestrians under certain conditions.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/8/2010)**

1 AN ACT concerning pedestrian safety and traffic control and  
2 amending R.S.39:4-32, R.S.39:4-36, R.S.39:4-115, and R.S.39:4-  
3 144, and repealing R.S.39:4-35.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. R.S.39:4-32 is amended to read as follows:

9 39:4-32. On highways where traffic **[at intersections]** is  
10 controlled by a traffic control signal or by traffic or police officers  
11 **[, pedestrians]**:

12 a. Pedestrians shall not cross a roadway against the "stop" or red  
13 signal at a crosswalk, whether marked or unmarked, unless  
14 otherwise specifically directed to go by a traffic or police officer, or  
15 official traffic control device.

16 b. No driver of a vehicle shall fail to stop and remain stopped  
17 for a pedestrian crossing a roadway at a crosswalk when the  
18 pedestrian is upon, or within one lane of, the half of the roadway  
19 upon which the vehicle is traveling or onto which it is turning  
20 during the "go" or green signal. As used in this subsection, "half of  
21 the roadway" means all traffic lanes conveying traffic in one  
22 direction of travel, and includes the entire width of a one-way  
23 roadway.

24 c. A pedestrian crossing or starting across the intersection on a  
25 **["Go"]** "go" or green signal, but who is still within the crosswalk  
26 when the signal changes, shall have the right of way **[over all**  
27 vehicles, including those making turns,] until **[he]** the pedestrian  
28 has reached the opposite curb or place of safety **[, and no operator**  
29 of a vehicle shall fail to yield the right of way to him].

30 d. No pedestrian shall leave a curb or other place of safety and  
31 walk or run into the path of a vehicle which is so close that it is  
32 impossible for the driver to yield or stop.

33 e. Whenever any vehicle is stopped to permit a pedestrian to  
34 cross the roadway, the driver of any other vehicle approaching from  
35 the rear shall not overtake and pass such stopped vehicle.

36 f. Every pedestrian upon a roadway at any point other than  
37 within a marked crosswalk or within an unmarked crosswalk at an  
38 intersection shall yield the right-of-way to all vehicles upon the  
39 roadway.

40 g. Nothing contained herein shall relieve a driver from the duty  
41 to exercise due care for the safety of any pedestrian upon a  
42 roadway. Nothing herein shall relieve a pedestrian from using due  
43 care for his safety.

44 h. In the event of a collision between a vehicle and a pedestrian

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 within a marked crosswalk, or at an unmarked crosswalk at an  
2 intersection, there shall be a permissive inference that the driver did  
3 not exercise due care for the safety of the pedestrian.

4 (cf: P.L.1951, c.23, s.22)

5

6 2. R.S.39:4-36 is amended to read as follows:

7 39:4-36. a. **【The driver of a vehicle shall yield the right-of-way**  
8 **to a pedestrian crossing the roadway within a marked crosswalk or**  
9 **within any unmarked crosswalk at an intersection, except】 ~~Except~~**  
10 **at crosswalks when the movement of traffic is being regulated by**  
11 **police officers or traffic control signals, or where otherwise**  
12 **【prohibited】 regulated by municipal, county, or State regulation,**  
13 **and except where a pedestrian tunnel or overhead pedestrian**  
14 **crossing has been provided **【, but no】:****

15 (1) The driver of a vehicle shall stop and remain stopped to allow  
16 a pedestrian to cross the roadway within a marked crosswalk, or at  
17 an unmarked crosswalk at an intersection, when the pedestrian is  
18 upon, or within one lane of, the half of the roadway, upon which the  
19 vehicle is traveling or onto which it is turning. As used in this  
20 paragraph, "half of the roadway" means all traffic lanes conveying  
21 traffic in one direction of travel, and includes the entire width of a  
22 one-way roadway.

23 (2) No pedestrian shall **【suddenly】** leave a curb or other place of  
24 safety and walk or run into the path of a vehicle which is so close  
25 that it is impossible for the driver to yield or stop.

26 **【Nothing contained herein shall relieve a pedestrian from using**  
27 **due care for his safety.】**

28 (3) Whenever any vehicle is stopped to permit a pedestrian to  
29 cross the roadway, the driver of any other vehicle approaching from  
30 the rear shall not overtake and pass such stopped vehicle.

31 (4) Every pedestrian upon a roadway at any point other than  
32 within a marked crosswalk or within an unmarked crosswalk at an  
33 intersection shall yield the right-of-way to all vehicles upon the  
34 roadway.

35 (5) Nothing contained herein shall relieve a driver from the duty  
36 to exercise due care for the safety of any pedestrian upon a  
37 roadway. Nothing contained herein shall relieve a pedestrian from  
38 using due care for his safety.

39 b. A person violating any paragraph of subsection a. of this  
40 section shall, upon conviction thereof, pay a fine to be imposed by  
41 the court in the amount of **【\$100】** \$200. The court may also  
42 impose upon a **【term of imprisonment】** person violating any  
43 paragraph of subsection a. of this section, a penalty of community  
44 service not to exceed 15 days in such form and on such terms as the  
45 court shall deem appropriate .

46 c. Of each fine imposed and collected pursuant to subsection b.  
47 of this section, **【\$50】** \$100 shall be forwarded to the State

1 Treasurer who shall annually deposit the moneys into the  
2 "Pedestrian Safety Enforcement and Education Fund" created by  
3 section 1 of P.L.2005, c.86 (C.39:4-36.2).

4 d. In the event of a collision between a vehicle and a pedestrian  
5 within a marked crosswalk, or at an unmarked crosswalk at an  
6 intersection, there shall be a permissive inference that the driver did  
7 not exercise due care for the safety of the pedestrian.

8 (cf: P.L.2005, c.86, s.2)

9

10 3. R.S.39:4-115 is amended to read as follows:

11 39:4-115. The driver of a vehicle or the motorman of a streetcar:

12 a. intending to turn to the right or left at an intersection where  
13 traffic is controlled by traffic control signals or by a traffic or police  
14 officer, shall proceed to make either turn with proper care to avoid  
15 accidents and, except as provided in b. below, only upon the  
16 **["Go"]** "go" signal unless otherwise directed by a traffic or police  
17 officer, an official sign or special signal; or b. intending to turn  
18 right at an intersection where traffic is controlled by a traffic  
19 control signal shall, unless an official sign of the State,  
20 municipality, or county authority having jurisdiction over the  
21 intersection prohibits the same, proceed to make the turn upon a  
22 **["Stop"]** "stop" or **["Caution"]** "caution" signal with proper care to  
23 avoid accidents after coming to a full stop, observing traffic in all  
24 directions **[and]**, yielding to **[all pedestrians and]** other vehicular  
25 traffic traveling in a direction in which the turn will be made, and  
26 stopping and remaining stopped for pedestrians crossing the  
27 roadway within a marked crosswalk, or at an unmarked crosswalk,  
28 into which the driver is turning. Both the approach for and the turn  
29 shall be made as close as practicable to the right-hand curb or edge  
30 of the roadway, unless such intersection is otherwise posted.

31 (cf: P.L.1976, c.46, s.1)

32

33 4. R.S.39:4-144 is amended to read as follows:

34 39:4-144. No driver of a vehicle or street car shall enter upon or  
35 cross an intersecting street marked with a "stop" sign unless **[he]** :

36 a. The driver has first brought **[his]** the vehicle or street car to a  
37 complete stop at a point within **[5]** five feet of the nearest  
38 crosswalk or stop line marked upon the pavement at the near side of  
39 the intersecting street and shall proceed only after yielding the right  
40 of way to all vehicular traffic on the intersecting street which is so  
41 close as to constitute an immediate hazard.

42 b. No driver of a vehicle or street car shall enter upon or cross an  
43 intersecting street marked with a "yield right of way" sign without  
44 first slowing to a reasonable speed for existing conditions and  
45 visibility, stopping if necessary, and the driver shall yield the right  
46 of way to all vehicular traffic on the intersecting street which is so  
47 close as to constitute an immediate hazard; unless, in either case,

1 ~~the driver~~ is otherwise directed to proceed by a traffic or  
2 police officer or traffic control signal , or as provided in ~~section~~  
3 ~~R.S. 39:4-145~~ ~~of this Title~~.

4 c. No driver of a vehicle or street car shall turn right at an  
5 intersecting street marked with a "stop" sign or "yield right of way"  
6 sign unless the driver stops and remains stopped for pedestrians  
7 crossing the roadway within a marked crosswalk, or at an unmarked  
8 crosswalk, into which the driver is turning.

9 (cf: P.L.1958, c.114, s.4)

10

11 5. R.S.39:4-35 is repealed.

12

13 6. This act shall take effect on the first day of the third month  
14 after enactment, but such anticipatory administrative action may be  
15 taken in advance thereof as shall be necessary for the  
16 implementation of this act.

17

18

19

#### STATEMENT

20

21 This bill revises the current law concerning pedestrian safety and  
22 traffic control.

23 Specifically, this bill requires drivers to stop and remain stopped  
24 to allow pedestrians to cross a roadway within a marked crosswalk  
25 or unmarked crosswalk when the pedestrian is upon, or within one  
26 lane of, the half of the roadway upon which the vehicle is traveling  
27 or onto which it is turning. This requirement is to apply at  
28 intersections where traffic is not controlled by a traffic control  
29 device or police officer, as well as at intersections where traffic is  
30 controlled by such devices or persons. As used in the bill, "half of  
31 the roadway" means all traffic lanes carrying traffic in one direction  
32 of travel, and includes the entire width of a one-way roadway.

33 Under current law, motorists must yield to pedestrians in  
34 crosswalks, but do not have the clear duty of stopping and  
35 remaining stopped. In addition, current law is ambiguous as to  
36 whether the area within which a pedestrian is protected by a  
37 motorist's duty to yield includes all or only a portion of the  
38 crosswalk. The bill provides a clear duty to stop and remain  
39 stopped on, or within a lane of, the half of the roadway on which  
40 the vehicle is traveling, a standard used in some other states, and  
41 one which may result in better enforcement of the crosswalk traffic  
42 laws in this State.

43 The bill increases the fine to be imposed on a person convicted  
44 of violating the provisions of R.S.39:4-36, which concerns  
45 intersections where traffic is not controlled by a traffic control  
46 device or police officer, from \$100 to \$200 and increases the  
47 portion of each such fine collected that is to be deposited into the  
48 "Pedestrian Safety Enforcement and Education Fund" pursuant to

1 section 1 of P.L.2005, c.86 (C.39:4-36.2) from \$50 to \$100. The  
2 bill removes the possibility of imprisonment for a violation of  
3 R.S.39:4-36 and provides that a court may impose community  
4 service in addition to imposing the prescribed fine.

5 The bill provides a pedestrian with the clear right to complete a  
6 crossing begun at an intersection on a “go” or green signal, but not  
7 yet completed when the signal changes. To avoid redundancy in the  
8 law, the bill repeals R.S.39:4-35, which provides for a pedestrian’s  
9 right to complete a crossing.

10 This bill also requires drivers making a right turn at a red or  
11 yellow traffic signal or at a stop or yield sign to stop and remain  
12 stopped pursuant to R.S.39:4-36 for pedestrians crossing within the  
13 adjacent crosswalk into which the motorist is turning.

14 Lastly, this bill provides that when a collision occurs between a  
15 vehicle and a pedestrian within a marked crosswalk, or at an  
16 unmarked crosswalk at an intersection, there is a permissive  
17 inference that the driver did not exercise due care for the safety of  
18 the pedestrian.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### **SENATE, No. 2480**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JANUARY 7, 2010

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 2480.

This amended bill revises the current law concerning pedestrian safety and traffic control.

Specifically, this bill requires drivers to stop and remain stopped to allow pedestrians to cross a roadway within a marked crosswalk when the pedestrian is upon, or within one lane of, the half of the roadway upon which the vehicle is traveling or onto which it is turning. This requirement is to apply at intersections where traffic is not controlled by a traffic control device or police officer, as well as at intersections where traffic is controlled by such devices or persons. As used in the bill, "half of the roadway" means all traffic lanes carrying traffic in one direction of travel, and includes the entire width of a one-way roadway.

Under current law, motorists must yield to pedestrians in crosswalks, but do not have the clear duty of stopping and remaining stopped. In addition, current law is ambiguous as to whether the area within which a pedestrian is protected by a motorist's duty to yield includes all or only a portion of the crosswalk. The bill provides, with regard to marked crosswalks, a clear duty to stop and remain stopped on, or within a lane of, the half of the roadway on which the vehicle is traveling, a standard used in some other states, and one which may result in better enforcement of the crosswalk traffic laws in this State. The current duty of motorists to yield to pedestrians in crosswalks is retained in regard to unmarked crosswalks at intersections.

The bill increases the fine to be imposed on a person convicted of violating the provisions of R.S.39:4-36, which concerns intersections where traffic is not controlled by a traffic control device or police officer, from \$100 to \$200 and increases the portion of each such fine collected that is to be deposited into the "Pedestrian Safety Enforcement and Education Fund" pursuant to section 1 of P.L.2005, c.86 (C.39:4-36.2) from \$50 to \$100. The amended bill removes the possibility of imprisonment for a violation of R.S.39:4-36 and



provides that a court may impose community service in addition to imposing the prescribed fine.

The bill provides a pedestrian with the clear right to complete a crossing begun at an intersection on a “go” or green signal, but not yet completed when the signal changes. To avoid redundancy in the law, the bill repeals R.S.39:4-35, which provides for a pedestrian’s right to complete a crossing.

This bill also requires drivers making a right turn at a red or yellow traffic signal or at a stop or yield sign to stop and remain stopped pursuant to R.S.39:4-36 for pedestrians crossing within the adjacent crosswalk into which the motorist is turning.

Lastly, this bill provides that when a collision occurs between a vehicle and a pedestrian within a marked crosswalk, or at an unmarked crosswalk at an intersection, there is a permissive inference that the driver did not exercise due care for the safety of the pedestrian.

The committee amended the bill to limit applicability of the requirement to stop and remain stopped in regard to marked crosswalks and retained the requirement of yielding in regard to unmarked crosswalks at intersections.

This bill is identical to A1329(1R), as amended and released by the committee on this date.